



EMPLOYEE GRIEVANCE PROCEDURE

ARTICLE 19. PERSONNEL RULES AND REGULATIONS SECTION 1900. POLICY

PURPOSE:

The purpose of the employee grievance procedure is to insure that the work needed and desired by the citizens of the City of Warner Robins gets done quickly and efficiently. In recognition that work suffers when feelings of animosity are present in and among city employees, this employee grievance procedure is designed and implemented to vent and reduce any animosity or ill feelings that may exist among employees by correcting the root cause. Each employee should realize that he or she is part of a team and that the sole purpose of the team is to serve the citizens of the City of Warner Robins. Employees that have legitimate grievances can expect to have their complaint quickly resolved.

NON-GRIEVE ISSUES:

Each employee should realize that, just like in life, everything does not always go the way we want it. People are hired and get paid to get work done. Situations will not always be perfect. The City will strive to make each job as pleasant as possible, but employees should realize that service to citizens is the first priority. Some work related conditions are simply not grievances but are better classified as “wants” or “wishes” that the City cannot and will not address. The following are examples of non-grievable issues:

1. Any issue of conduct or discipline addressed in the City’s disciplinary policy.
2. Issues that are currently pending or have been concluded.
3. Work assignments, which are not a result of suspension, demotion, or salary reduction.
4. Issues relating to budgets, organization and number of personnel assigned.

5. Performance evaluations.
6. Appointments, transfers, or promotions unless motivated by unlawful discrimination.
7. Job pay and classification.
8. Decisions, policies, resolutions, or ordinances passed by the governing authority.
9. Internal financial controls.
10. Issues not directly affecting the employee, i.e. an employee cannot file a grievance on behalf of another employee.

GRIEVE ISSUES:

A grievable issue is any work-related condition that is illegal, grossly unfair or inequitable, unsafe or hazardous. The following are examples of grievable issues:

1. Sexual Harassment.
2. Sexual Discrimination.
3. Any discrimination based upon race, color, creed, religion, disability, national origin, ancestry or political affiliation.
4. Lack of needed safety equipment.
5. Knowledge of theft or embezzlement of the city's property, funds, or services.
6. Knowledge of gambling on the job.

PROCEDURE FOR HANDLING GRIEVANCES:

Grievances may be handled either informally or formally. The decision as to which method to use is made by the employee who has the grievance. With either method, all grievances **must** be reported within five (5) days of their occurrence.

Because the goal of this policy is to seek the resolution of employee grievances, employees will be required to present their own concerns at meetings (as provided for in this policy) without the aid of a representative or attorney; likewise, supervisors and department directors must present their positions and responses at any such meetings without the involvement of the city attorney's office or privately-retained counsel.

Department directors will receive a copy of all grievances filed by all department employees.

INFORMAL METHOD:

The first step in the informal method is to notify your immediate supervisor. Most grievances can be worked out on this level. The employee should simply tell his or her supervisor that he or she has a grievance which needs discussion. The supervisor will either discuss it immediately or make an appointment to discuss it as soon as a convenient time can be arranged. The discussion will take place in private. The supervisor will ask the employee to fully explain the grievance. The supervisor will ask whatever questions are necessary to fully understand the nature of the grievance, the cause of the grievance, and possible solutions to the grievance. The supervisor will either make a finding on the grievance immediately or he or she will set a time during the initial interview to meet back with the aggrieved employee and explain his or her findings and a suggested solution. As part of the finding, the supervisor shall either reject the grievance as being a non-grievable issue or present a plan for remedial action.

Should the above prove unsatisfactory, the aggrieved employee may ask for an appointment with his or her department director to discuss the grievance. The department director will schedule this appointment as soon as reasonably possible. This discussion will also take place in private. The department director will ask the employee to fully explain the grievance. The department director will ask whatever questions are necessary to fully understand the nature of the grievance, the cause of the grievance, and possible solutions to the grievance. The department director will then set a time during this discussion to meet back with the employee. After this initial meeting and before the next scheduled meeting, the department director will discuss the grievance with the employee's supervisor. The department director will seek to ascertain from the supervisor and from his own investigation, the nature of the grievance, the cause of the grievance and why any previous remedial action was not successful. The department director will then present his or her findings to the aggrieved employee at the previously scheduled meeting. The department director will reject the grievance as being a non-grievable issue, continue the supervisor's plan for remedial action, or implement his or her own plan for remedial action.

FORMAL METHOD:

To file a formal grievance, the employee shall fill out **Grievance Form #1**, stating with specificity the essence or nature of the grievance, the exact date and time of the grievance, and the party or parties involved. The employee may state what he or she feels should be done to alleviate the grievance. This form should be filled out within five days of the occurrence of the grievance. This form shall be presented to the Mayor's office where it shall be stamped with the date and time received. From a list of at least three (3) mediators/investigators appointed by the Mayor, the employee shall select one (1) such mediator/investigator (M/I) to investigate the grievance. The grievance shall be forwarded to the M/I by the Mayor's office within seven calendar days. The M/I

may or may not be a professional mediator but shall always be from outside the aggrieved employee's department. The M/I shall investigate the grievance and shall interview the aggrieved employee, the aggrieved employee's supervisor and department director, and all persons available that have knowledge of the events from which the grievance arose. Within seven days, the M/I shall prepare a written report that details the facts of the grievance and a determination as to whether or not the issue is grievable. If the M/I determines that the issue is grievable, he or she shall also include a plan for remedial action. This report shall be delivered to the Mayor's office. The Mayor shall have the right to review the M/I's report and reject it for good cause. If the M/I's report is rejected by the Mayor, the grievance will proceed to review by the Mayor and Council as outlined below except that the Mayor shall be the appealing party. Otherwise, the report shall be disseminated to all parties in interest and the remedial plan implemented as soon as possible.

The aggrieved party may appeal the decision of the M/I to Mayor and Council. To initiate the appeal, the employee shall state in writing and with specificity why he or she considers the M/I's recommendation unsatisfactory. This writing shall be known as the appeal. The appeal shall be delivered to the Mayor's office and to the City Hall mailbox of each Councilperson within five days after dissemination of the M/I's report. The Mayor may appoint the M/I or another person to respond in writing to the appeal. This writing shall be known as the response. The response shall be delivered to the Mayor's office and to the City Hall mailbox of each Councilperson within five days after the appeal was delivered. Both the appeal and the response shall be signed, and the signature shall constitute a certificate by the signer that the signer has read the document; that to the best of the signer's knowledge, information and belief formed after reasonable inquiry it is well grounded in fact and is warranted and that it is not interposed for any improper delay or needless waste of City resources. If any document is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the party. Within ten to thirty days after the submission of the documents, a hearing before the Mayor and Council shall be conducted. The Mayor and Council shall have studied the appeal and response prior to the hearing. Each side shall have the right to make an opening statement that is no more than five minutes in length. Each side may present their witnesses and cross examine the other side's witnesses. Each side may make a closing statement that is no longer than ten minutes. The Mayor pro-tem shall act as moderator, limiting the testimony to relevant topics and insuring that the proceedings are conducted in an orderly manner. Within fifteen days after the close of the hearing, the Mayor and Council shall provide a written decision on the grievance. The written decision shall provide a brief summation of the facts as found by the Mayor and Council, the applicable rules and regulations applied to the facts, and a plan for remedial action. In the event the Mayor and Council find that the grievance was totally without merit and was brought to harass, coerce, or intimidate any employee, sanctions may be imposed upon the employee that brought the non-meritorious grievance.



FORMAL GRIEVANCE

(Please print or type the information on this form)

TO: OFFICE OF THE MAYOR

FILING EMPLOYEE: _____

REFERENCE: FORMAL EMPLOYEE GRIEVANCE

FILING DATE: _____ **TIME:** _____

In accordance with city policy, I respectfully request your consideration in resolving the following matter.

DATE OF INCIDENT: _____

NOTE: To be an acceptable grievance, this form must be filed within five (5) days of the occurrence of the grievance.

STATEMENT OF GRIEVANCE: *(Please state in specific detail the nature of the grievance. Use additional paper if necessary.)*

(Statement of Grievance cont.)

WHAT DO YOU THINK SHOULD BE DONE TO ALLEVIATE THE GRIEVANCE? *(Use additional paper if necessary.)*

EMPLOYEE'S SIGNATURE: _____

DEPARTMENT: _____ **TITLE:** _____

NOTE: Upon completion, present this original form to the Office of the Mayor.